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EXAMINER

COLETTA, LORI L

ART UNIT PAPER NUMBER

3612

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,743

Applicant(s)

GRABOWSKI ET AL.

Examiner

Lori L. Coletta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-25 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-25 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 22 September 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings were received on September 22, 2003. These drawings are acceptable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 2, 3, 5, 6, 8-11, 13, 14, 16, 17 and 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Mahmood et al. 6,497,441.

Regarding claim 2, Mahmood et al. '441 discloses an assembly for housing an electric energy storage device (360), comprising a support structure disposed within a vehicle passenger compartment for supporting the electrical energy storage device, a combined housing/console structure (10) for concealing, at least partially, said support structure and the electrical storage device, said combined housing/console structure comprising at least one ventilation opening

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(118); and a housing cover (18, 99 and 112), having at least one console feature (30,38, 95 and 97), for mounting on said combined housing/console structure in Figure 8.

Regarding claim 3, Mahmood et al. '441 discloses the assembly, wherein said combined housing/console structure (10) comprises at least one console structure.

Regarding claim 5, Mahmood et al. '441 discloses an assembly for housing an electrical energy storage device (360), comprising a support structure disposed within a vehicle passenger compartment for supporting the electrical energy storage device; a combined housing/console structure for concealing, at least partially, said support structure and the electrical energy storage device, and a housing cover (18, 99 and 112) having at least one console feature (30,38,39 and 97), for mounting on said combined housing/console structure and wherein said housing cover comprises a storage compartment.

Regarding claim 6, Mahmood et al. '441 discloses the assembly, wherein said housing cover comprises at least one side removably attached to the housing/console structure.

Regarding claim 8, Mahmood et al. '441 discloses an assembly for housing an electrical energy storage device (360), comprising a support structure disposed in a vehicle passenger compartment for supporting the electrical energy storage device; a combined housing/console structure for concealing, at least partially, said support structure and the electrical energy storage device; and a housing cover (18, 99 and 112), having at least one console feature (30,38,95 and 97), for mounting on said combined housing/console structure, wherein said housing cover is fixedly attached to and in cooperation with said housing/console structure on one side such that said housing cover can be lifted and swung off said housing/console structure to form an accessory support structure (for both baby and 116).

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Regarding claim 9, Mahmood et al. '441 discloses the assembly, further comprising means for affixedly said housing cover to said combined housing/console structure.

Regarding claim 10, Mahmood et al. '441 discloses an assembly for housing an electrical energy device (360), comprising a support structure disposed within a vehicle passenger compartment for supporting the electrical energy storage device; a combined housing/console structure for concealing, at least partially, said support structure and the electrical energy storage device; and a housing cover, having at least one console feature, for mounting on said combined housing/console structure, and accessory support means (52, 84 and 94) attached to said housing/console structure.

Regarding claim 11, Mahmood et al. '441 discloses an assembly for housing an electrical energy storage device, comprising a support structure disposed within a vehicle passenger compartment for supporting the electrical energy storage device, a combined housing/console structure for concealing, at least partially, said support structure and the electrical energy storage device; and a housing cover, having at least one console feature, for mounting in the combined housing/console structure; and accessory support means (30,38, 95 and 97) attached to said housing cover (18, 99 and 112).

Regarding claim 13, Mahmood et al. '441 discloses an automobile battery housing assembly comprising a battery support structure disposed within a passenger compartment of an automobile; at least one battery unit mounted on said battery support structure; a combined battery housing/console structure for concealing, at least partially, said battery support structure and said at least one battery unit, said combined battery housing/console structure at least one

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ventilation opening; and a housing cover, having at least one console feature, for mounting on said combined battery housing/console structure.

Regarding claim 14, Mahmood et al. '441 discloses the battery housing assembly, wherein said combined battery housing/console structure comprises at least one console feature.

Regarding claim 16, Mahmood et al. '441 discloses an automobile battery housing assembly comprising a battery support structure disposed within a passenger compartment of an automobile; at least one battery unit mounted on said battery support structure; a combined battery housing/console structure for concealing, at least partially, said battery support structure and said at least one battery unit, and a housing cover, having at least one console feature, for mounting on said combined battery housing/console structure, wherein said housing cover comprises a storage compartment.

Regarding claim 17, Mahmood et al. '441 discloses the battery housing assembly, wherein said housing cover comprises at least one side removably attached to said combined battery housing/console structure.

Regarding claim 19, Mahmood et al. '441 discloses an automobile battery housing assembly comprising a battery support structure disposed within a passenger compartment of an automobile; at least one battery unit mounted on said battery support structure; a combined battery housing/console structure for concealing, at least partially, said battery support structure and said at least one battery unit; a housing cover, having at least one console feature, for mounting on said combined battery housing/console structure, wherein said housing cover is fixedly attached to and in cooperation with said combined battery housing/console structure on

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one side such that said housing cover can be lifted and swung off said combined battery housing/console structure to form an accessory support structure.

Regarding claim 20, Mahmood et al. '441 discloses the battery housing assembly, further comprising means for affixing said housing cover to said combined battery housing/console structure.

Regarding claim 21, Mahmood et al. '441 discloses an automobile battery housing assembly comprising a battery support structure disposed within a passenger compartment of an automobile; at least one battery unit mounted on said battery support structure; a combined battery housing/console structure for concealing, at least partially, said battery support structure and said at least one battery unit; a housing cover, having at least one console feature, for mounting on said combined battery housing/console structure and accessory support means attached to said housing console structure.

Regarding claim 22, Mahmood et al. '441 discloses an automobile battery housing assembly comprising a battery support structure disposed within a passenger compartment of an automobile; at least one battery unit mounted on said battery support structure; a combined battery housing/console structure for concealing, at least partially, said battery support structure and said at least one battery unit; a housing cover, having at least one console feature, for mounting on said combined battery housing/console structure; and accessory support means attached to said housing cover.

Regarding claim 23, Mahmood et al. '441 discloses an automobile having dual systems, comprising a battery support structure arranged within a passenger compartment of the automobile, said battery support structure being disposed between seats inside the passenger

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compartment; at least one battery unit corresponding to one of said battery systems mounted on said battery support structure; a combined battery housing/console structure for concealing, at least partially, said battery support structure and said at least one battery unit; and a housing cover, having at least one console feature, for mounting on said battery housing.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 7, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahmood et al. 6,497,441 in view of Berkus 3,993,378.

Regarding claims 4 and 15, Mahmood et al. '441 discloses the battery housing assembly.

However, Mahmood et al. '441 does not show wherein said housing cover comprises at least one ventilation opening.

Berkus '378 teaches vents (60) in a cover, so that circulation of air passes through the interior of the housing to remove fumes generated by the storage battery.

Regarding claims 4 and 15, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cover of the battery housing assembly of Mahmood et al. '441 with vents, as taught by Berkus '378, in order to provide air circulation through the interior of the housing to remove fumes generated by the storage battery.

Regarding claims 7 and 18, Mahmood et al. '441 discloses the automotive battery housing assembly.

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However, Mahmood et al. '441 does not show wherein said housing cover is detachable from said combined battery housing/console structure.

Berkus '378 teaches a housing cover (50) detachable from the housing (10) to permit access to the interior of the housing in Figure 2.

Regarding claims 7 and 18, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the housing cover of the automotive battery housing assembly of Mahmood et al. '441 detachable from the housing, as taught by Berkus '378, in order to permit access to the interior of the housing.

6. Claims 24, 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahmood et al. 6,497,441.

Mahmood et al. '441, as described in the 102 rejection above, show all the features of claims 24, 25 and 29 except for explicit recitation of the location of the console being between second or third row seats inside the passenger compartment of the vehicle.

However, the multi-purpose console and the battery support shown by Mahmood et al. '441 is intended to be mounted at a removable seat location (column 1, lines 36-48), and as indicated by Mahmood et al. '441 (column 1, lines 21-34) second and third row seating in large vehicles are known to include several movable seats.

Therefore, to locate the console between such second and third row seating would have been obvious to one of ordinary skill in the art at the time of the invention, in order to allow children and others to easily reach food, drink and accessories stored in and on the console during use.

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Response to Arguments

7. Applicant's arguments with respect to claims 1-11, 13-25 and 29 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614.

The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1134.

Lori L. Coletta
Examiner
Art Unit 3612


Lori L. Coletta
October 8, 2003